

### **REMARKS:**

Claims 1-20 are pending in the present application. Claims 1-20 are rejected. New claims 21-23 have been added. Support for these new claims may be found generally throughout the specification and at least on page eight (8), in the second (2<sup>nd</sup>) paragraph.

Claims 1-23 stand ready for further consideration in view of the amendment and following remarks. It is considered that these claims are novel and patentable over the prior art of record, for at least the reasons stated herein. Accordingly, it is respectfully requested that the Examiner reconsider and withdraw rejections of pending claims and provide a Notice of Allowability.

### **Information Disclosure Statement**

2. In Item 2 of the Office Action, the Examiner has requested references known to qualify as prior art under 35 U.S.C. §102 or 35 U.S.C. §103 with respect to the invention as defined by the claims. The Examiner has stated that this request may be fulfilled by asking the attorney(s) of record handling prosecution and inventor(s)/assignee for references qualifying as prior art. The Examiner has further stated that a simple statement that the query has been made and that no prior art found is sufficient to fulfill the request.

In regard to the request for prior art, the Undersigned Attorney for the Applicant has submitted an appropriate request. This request has been submitted to attorneys previously associated with the filing and prosecution of the patent application, as well as all inventors.

At present, no prior art beyond that which has been previously submitted has been found and provided to the Undersigned for submission herein.

### **Claim Objections**

3. In Item 3 of the Office Action, the Examiner has objected to claim 20 because of informalities. The Examiner has required an amendment changing “18” to --19--.

The requirement of the Examiner has been addressed. Claim 20 is amended herein and now recites “19.” Another typographical error has been amended, wherein “comprises” replaces the term “includes.”

### **Claim Rejections – 35 U.S.C. §101**

4. In Item 4 of the Office Action, the Examiner has rejected Claims 15-18 under 35 U.S.C. §101 because they are not in one of the statutory classes of invention. More specifically, the Examiner has stated that the Applicant’s inclusion of a method in an apparatus claim creates an improper hybrid claim and hence this combination of claimed subject matter is non-statutory and confusing.

Applicant has amended claim 15 to provide clarity and improve the readability of Claim 15. Claim 15 now claims, in part, “memory controller” that “comprises machine readable instructions stored on machine readable media, the instructions for,…” It is considered that rejections regarding Claims 16-18 are addressed by the amendment to Claim 15. No new matter has been added.

### **Claim Rejections - 35 U.S.C. §102(a)**

5. In Item 5 of the Office Action, the Examiner has rejected Claims 1-20 under 35 U.S.C. § 102(a), as being anticipated by Kahn, et al., U.S. Publication No. 2003/0126354. Applicants respectfully traverse this rejection.

Applicant respectfully submits that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (Emphasis added). Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the \*\*\* claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Furthermore, the single source must disclose all of the claimed elements “arranged as in the claim.” *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Regarding independent Claims 1, 15 and 19, and the claims dependent therefrom, the following arguments are submitted for consideration. Please note that these arguments are based upon the language of claim 1 (for a concise presentation). It is considered that aspects of the following are applicable to the other rejected independent claims. Therefore, more specific arguments are not submitted herein. Accordingly, the Applicant reserves the right to supplement the response provided herein at a later time and as deemed appropriate.

Although it is considered that claim 1 is novel and patentable as originally written, claims 1, 15 and 19 have been amended. These amendments are for purposes of clarifying the invention claimed and expediting prosecution, and are not to be construed as an admission of any kind.

Claims 1, 15 and 19 claim, in part, “determining a page management policy associated with the agent in response to the receiving.” These claims now also recite, “referring to a look-up table.” Certain aspects of subject matter related to this are included in the specification, and may be noted at least on page 8, in the second paragraph.

In contrast, Kahn, et al. teach a method where “**a dynamically adjustable page-closing policy is provided** that produces improved latencies for applications having various

different types of memory access patterns. In general, **the mechanism** for enabling this functionality **is based on measuring an actual access pattern**, and **then adjusting the page-closing policy based on the measured** access pattern, under the principle that future access patterns will parallel the prior access patterns. However, **it will be understood that the measurement** of the actual access patterns **is dynamic** as well, whereby the page-closing policy may be dynamically adjusted to adapt to changing memory access patterns.” Reference may be had to paragraph [0028] of Kahn et al.

Kahn et al. do not anticipate any one of claims 1, 15 and 19. That is, Kahn et al. do not disclose or suggest “determining a page management policy associated with the agent in response to the receiving by referring to a look-up table” as is claimed in claims 1, 15 and 19.

Claims 21-23 have been newly added to further define the teachings herein. Support for these claims is found throughout the specification, and more specifically on page 8, paragraphs two and three.

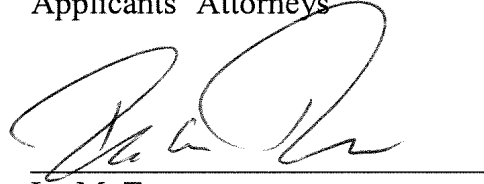
## **Conclusion**

It is believed that the foregoing amendments and remarks fully comply with the Office Action. It is considered that the presently pending claims are novel and patentable over the prior art of record and should now be allowable to Applicants. It is respectfully requested that currently pending claims 1-23 be passed to issue. Accordingly, reconsideration and allowance is respectfully requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

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Respectfully submitted by:  
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